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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,989

10/02/2003

Peter Spiess

16565

9067

50659

7590

09/22/2006

BUTZEL LONG
DOCKETING DEPARTMENT
100 BLOOMFIELD HILLS PARKWAY
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EXAMINER

PICO, ERIC E

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,989	Applicant(s) SPIESS, PETER	
	Examiner Eric Pico	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/02/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim(s) 1-3, 5, and 7-¹²~~10~~ is/are rejected under 35 U.S.C. 102(b) as being anticipated by Steele U.S. Patent No. 3255807.

4. **Regarding claim 1**, Steele discloses an apparatus for guiding a door leaf 22 of a sliding door comprised of guide elements 50, 52.

5. Steele further discloses a movable belt 40 engaging the guide element 50, 52, the movable belt 40 having a portion adapted for contact with a guide surface 38 associated with the door leaf 22 whereby when the guide element 50, 52 is mounted to

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extend generally parallel to a plane of the guide surface 38, being the plane normal to the guide surface 38.

6. Steele further discloses the portion of the movable belt 40 contacts the guide surface 38 during sliding of the door leaf 22 in a plane generally parallel to the plane of to the guide surface 38.

7. **Regarding claim 2**, Steele further discloses the guide surface 38 is disposed in a region of a door frame 30 for the door leaf 22 and the guide element 50, 52 is attached to the door leaf 22.

8. **Regarding claim 3**, Steele further discloses the guide surface 38 is disposed in the door leaf 22 and the guide element 50, 52 is attached to a region of a door frame 30 for the door leaf 22.

9. **Regarding claim 5**, Steele further discloses guide element 50, 52 is a roller rotatably attached to the door leaf 22.

10. **Regarding claim 6**, Steele further discloses the guide element holds the movable belt 40 against the guide surface 38.

11. **Regarding claim 7**, Steele further discloses movable belt 40 seals against the guide surface 38 to prevent air leakage between opposite sides of the door leaf 22.

12. **Regarding claim 9**, Steele further discloses movable belt 40 has resilient properties (rubber, column 2, line 55).

13. **Regarding claim 10**, Steele further discloses movable belt 40 has a laminated structure. The inclusion of leaf spring 58 in the belt is construed as a laminated structure.

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14. **Regarding claim 11**, Steele discloses a sliding door although not a door used in an elevator installation per se, Steele has all the structure set forth in the claims. The intended use in the preamble adds no patentable weight to the claims.

15. Steele further discloses a door used in an installation comprised of a door leaf 22.

16. Steele further discloses guide element 50, 52 extending generally parallel to a plane in which the door leaf 22 slides, being the plane normal in which the door leaf 22 slides.

17. Steele further discloses a movable belt 40 engaging the guide element 50, 52 the movable belt having a portion adapted for contact with a guide surface 38 during sliding of the door leaf 22 relative to the guide surface 38, the guide surface 38 extending in a plane generally parallel to the plane in which the door leaf 22 slides.

18. **Regarding claim 12**, Steele further discloses another guide element 50 extending generally parallel to the plane of a door leaf 22 and the movable belt 40 being an endless belt engaging another guide element 50.

19. Claim(s) 1-3, 5, and 11 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Julian et al. U.S. Patent No. 3798705.

20. **Regarding claim 1**, Julian et al. discloses an apparatus for guiding a door leaf 10 of a sliding door comprised of guide elements 13, 14, 15, 16.

21. Julian et al. further discloses a movable belt 17 engaging the guide element 13, 14, 15, 16, the movable belt 17 having a portion adapted for contact with a guide surface 20 associated with the door leaf 10 whereby when the guide element 13, 14, 15,

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16 is mounted to extend generally parallel to a plane of the guide surface 20, being the plane normal to the guide surface 20.

22. Julian et al. further discloses the portion of the movable belt 17 contacts the guide surface 20 during sliding of the door leaf 10 in a plane generally parallel to the plane of the guide surface 20.

23. **Regarding claim 2**, Julian et al. further discloses the guide surface 20 is disposed in a region of a door frame 12 for the door leaf 10 and the guide element 13, 15 is attached to the door leaf 10.

24. **Regarding claim 3**, Julian et al. further discloses the guide surface 20 is disposed in the door leaf 10 and the guide element 13, 14, 15, 16 is attached to a region of a door frame 12 for the door leaf 10.

25. **Regarding claim 5**, Julian et al. further discloses guide element 13, 14, 15, 16 is a roller rotatably attached to the door leaf 10.

26. **Regarding claim 11**, Julian et al. further discloses a door 10 used in an elevator installation comprised of an elevator door leaf 10.

27. Julian et al. further discloses guide element 13, 14, 15, 16 extending generally parallel to a plane in which the elevator door leaf 10 slides, being the plane normal in which the elevator door leaf slides.

28. Julian et al. further discloses a movable belt 17 engaging the guide element 13, 14, 15, 16, the movable belt 17 having a portion adapted for contact with a guide surface during sliding of the elevator door leaf 10 relative to the guide surface, the guide

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surface 20 extending in a plane generally parallel to the plane in which the elevator door leaf slides.

29. Claim(s) 1-3, 5, 7, and 10 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Prete U.S. Patent No. 5273363.

30. **Regarding claim 1**, Prete discloses an apparatus for guiding a door leaf 12 of a sliding door comprised of guide elements 10.

31. Prete further discloses a movable belt 30 engaging the guide element 10. the movable belt 30 having a portion adapted for contact with a guide surface 14 associated with the door leaf 12 whereby when the guide element 10. is mounted to extend generally parallel to a plane of the guide surface, being the plane normal to the guide surface.

32. Prete further discloses the portion of the movable belt 30 contacts the guide surface 14 during sliding of the door leaf 12 in a plane generally parallel to the plane of the guide surface 14.

33. **Regarding claim 2**, Prete further discloses the guide surface 14 is disposed in a region of a door frame, shown in Figure 1 for the door leaf 12 and the guide element 10 is attached to the door leaf 12.

34. **Regarding claim 3**, Prete further discloses the guide surface 14 is disposed in the door leaf 12 and the guide element 10 is attached to a region of a door frame for the door leaf 12.

35. **Regarding claim 5**, Prete further discloses guide element 10 is a roller rotatably attached to the door leaf 12.

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36. **Regarding claim 7**, Prete further discloses movable belt 30 seals against the guide surface 14 to prevent air leakage between opposite sides of the door leaf 12.

37. **Regarding claim 10**, Prete further discloses movable belt 30 has a laminated structure (column 2, lines 15-31).

Response to Arguments

38. Applicant's arguments filed 08/02/2006 have been fully considered but they are not persuasive.

39. In response to applicant's argument that "the claims of record now define patentable subject matter over the art of record" Steele U.S. Patent No. 3255807, Julian et al. U.S. Patent No. 3798705 and Prete U.S. Patent No. 5273363 disclose at least one guide element mounted to extend generally parallel to a plane, the plane being a plane normal to the guide surface of the references, of the guide surface, and the portion of the movable belt contacts the guide surface during sliding of the door leaf in a plane generally parallel to the plane, the plane being the plane parallel normal to the guide surface of the reference, of the guide surface.

40. In response to applicant's argument that "all of the "guide elements" extend perpendicular to the planes in which the associated panels move and the contact surfaces of the "movable belts" also extend perpendicular to the planes in which the associated panels move" the associated panels motion does not define a plane. The guide elements also extend parallel to a plane in which the associated panels move, that plane being the plane parallel to the guide surface. Also the contact surface of the

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movable also extends parallel to a plane in which the associated panel moves, that plane also being the plane parallel to the guide surface.

Conclusion

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


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SUPERVISORY PATENT EXAMINER
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